

STATE OF HAWAII
REQUEST FOR EXEMPTION FROM CHAPTER 103F, HRS

PROCUREMENT OFFICE
STATE OF HAWAII

To: Chief Procurement Officer

From: Health/Developmental Disabilities Division/Developmental Disabilities Services
Branch

Department/Division/Agency

Pursuant to § 103F-101(a)(4), HRS, and Chapter 3-141, HAR, the Department requests a procurement exemption to purchase the following:

Title and description of health and human service(s):

After the fact request to increase scope, amount of funds and extend the current contract with George Washington University (GWU) until March 31, 2006.

Intent:

In August 2002, the Developmental Disabilities Services Branch (DDSB) received approval from SPO for an exemption to contract with GWU to train ten (10) students through their Certificate Program in Acquired Brain Injury. The program located in the Center for Education and Human Services of GWU would use a web-based format for instruction. The goal of this 15-credit program was to develop local capacity in Hawaii for ongoing training on brain injury on a statewide basis after the students obtained a master's level certificate in the subject area. Funding for this contract was through a Traumatic Brain Injury Grant ("TBI Grant"), No. 5 H21 MC 00054-02.

Neglect to Obtain Additional SPO Approval:

Since the initial SPO approval, the contract scope and amount was increased without obtaining SPO approval. Although not deliberate, the DDSB was in error to not seek SPO approval as a prerequisite before considering any kind of change in conditions from the original request. Due to the loss of contract staff positions in the branch, the remaining staff were not aware of the need for submitting another request for SPO approval. However the DDSB staff now know that SPO approval must be obtained before considering any modifications that were not specifically provided in the initial approval. In addition, all requests for contract modifications will now be reviewed at the Division level to insure a secondary check on the need for additional SPO approval. With the education of staff and additional review it is believed that this type of error will be prevented in the future.

Increase in Scope and Amount:

The amount reported to SPO on the initial request for exemption was \$87,822 for the three years of the project. However, the actual total 3-year contract amount is \$159,569. The reason the \$87,822 was indicated on the initial request for exemption instead of the \$159,569 was that it was thought consultant services and tuition could be purchased separately. However, this did not occur as it was recommended to the DDSB to not purchase services separately but to contract the entire amount with GWU. The initial contract with GWU that started in August 2003 was for \$58,114, which actually was funding for the second year of the grant and tuition. A contract modification was done in September 2003 to add funding from the first year of the grant and the first year funding for consultant services for a total of \$125,602. The consultant services were to provide the set up of the course work for a distance-learning curriculum and insure adequate site preparation. A second contract modification was done with GWU in May 2004 to include funding from the third year of the grant for project evaluation and recommendations for sustainability for a total contract amount of \$159,569. No additional funding from the grant is expected.

Request for Extension:

Due to the delay in the start-up of the contract, it is anticipated that all of the grant funding will not be spent by March 2005. A request will be made, pending federal approval, for a no-cost extension of the grant. If the contract is not extended beyond March 2005, several students who are currently enrolled will not be able to complete the requirements to attain their certificates. As a result, extension of the SPO approval is requested to March 2006.

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Benefit to the State:

The intent of the contract continues to be met. GWU is providing a distance learning graduate program in brain injury for a cohort of students in Hawaii. The initial student target group included 8 Hawaii residents who required 4 semesters and a summer session to complete the program. Their completion date will be in the spring of 2005. Due to dropouts from the initial group, other students were added and the anticipated program completion for those students who were added on to the training is spring of 2006. The contractor continues to provide online instructors and academic support for the students. The contract provides funding for instruction, video conferencing, tuition and coordination.

Currently, there is no other university providing a distance learning program in brain injury at the graduate level.

All other services and conditions remain unchanged.

Provider Name: George Washington University	Total Contract Funds: \$159,569.00	Term of Contract:
Provider Address: 2121 Eye Street, N.W., Suite 601, Washington D.C. 20052	Contract Funds per Year (as applicable).	From: August 12, 2003 To: March 31, 2005 August 12, 2003 was the contract notice to proceed date.

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

GWU's Certificate Program in Acquired Brain Injury through distance learning continues to be the only known program in the country that has provided a master's level certificate program in brain injury. Given the goal to develop statewide expertise in Hawaii to train providers and service agency staff who have contact with persons with brain injury, a distance-learning component is seen to be essential. DDSB staff attendance at 2 national meetings per year (TBI Grantees Meeting and National Association of State Head Injury Administrators (NASHIA)) in which participants are updated on innovations and best practices in the field, reflect that the only distance learning graduate level program in brain injury continues to be with GWU. In addition, a review of the state programs on the TBI Technical Assistance Center website contracted to NASHIA by the Health Resource and Services Administration does not indicate any other distance learning programs in brain injury.

Details of the process or procedure to be followed in selecting the service provider to ensure maximum fair and open competition as practicable:

The DDSB initially conducted with the University of Hawaii, Pacific Basin Rehabilitation Research Center, an extensive research on the internet, and conducted local inquiries by contacting Hawaii Pacific University and Chaminade University regarding the availability of a graduate level program on brain injury. It was discovered that GWU is the sole provider of a specialized distance learning certificate in brain injury. Annually, DDSB staff check for any distance learning developments at the TBI Grantees Meeting and National Association of State Head Injury Administrators (NASHIA). The most recent meeting was in summer of 2004. The only distance learning graduate level program in brain injury continues to be with GWU.

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A description of the state agency's internal controls and approval requirements for the exempted procurement:

The branch program and fiscal monitoring staff will oversee the contract to ensure that the terms of the contract are met by requiring program and expenditure reports. The Project Director of the TBI Grant, who is also the Branch Chief, will continue to work closely with GWU. To address the error of not seeking SPO approval for subsequent contract modifications, the following will be done: (1) branch staff have been educated on the need to have SPO approval for any subsequent contract modifications when conditions exceed initial SOP approval, (2) branch staff will work with specialized contract staff within the Division for any contracts or modifications and (3) requests for contracts and modifications will be reviewed at Division level when exemptions are required

A list of state agency personnel, by position title, who will be involved in the approval process and administration of the contract:

Michael Tamanaha, Branch Chief
Aaron Arakaki, Administrator
Javier Aceret, Fiscal Supervisor
Trudy Murakami, Division Public Health Administrative Officer

Direct questions to (name & position):
Michael Tamanaha

Phone number:
733-9172

e-mail address:
mitamana@mail.health.state.hi.us

This exemption should be considered for list of exemptions attached to Chapter 3-141, HAR: Yes ☐ No ☐

I certify that the information provided above is to the best of my knowledge, true and correct.


Department Head Signature

FEB 11 2005

Date

Chiyome Leinaala Fukino, M.D.
Typed Name

Director of Health
Position Title

Chief Procurement Officer's Comments:

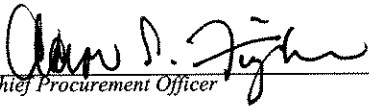
It is the responsibility of each purchasing agency to be cognizant of the procurement requirements for health and human services. A purchasing agency must be especially vigilant of the limits of any approved exemption from procurement to avoid abuse of this procedure. Lack of staff is a management issue that must be resolved by the purchasing agency and cannot be resolved by SPO. It is SPOs understanding that no further extensions will be requested for this exemption.

Please ensure adherence to applicable administrative requirements.

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☒ Approved

☐ Denied



Chief Procurement Officer

2/22/05
Date

cc: Administrator
State Procurement Office